

United States Environmental Protection Agency Region 10 Tribal Operations Committee (RTOC) Charter

Preamble: This charter sets forth the basic goals, principles, and operating procedures for the Region 10 Tribal Operations Committee (RTOC). The mission of the RTOC is to protect and improve tribal health and environmental conditions in Indian Country consistent with the United States Environmental Protection Agency (EPA) Indian Lands Policy, EPA's trust responsibility, environmental laws, policies and guidance. The relationship between RTOC and EPA Region 10 will not substitute for the government-to-government relationship between EPA and individual tribal governments.

Background: In 1984, EPA developed an "Indian Lands" policy to implement federal environmental statutes on American Indian reservations that was signed by EPA Administrator William D. Ruckelshaus. In 1991, EPA Administrator William B. Reilly amended the policy by adding a state/tribal concept on cooperative jurisdiction. In 1994, EPA Administrator Carol M. Browner reaffirmed the 1984 EPA Indian Policy through a nine-point memorandum that outlined specific actions EPA would undertake to more effectively implement environmental protection on American Indian reservations. As part of the reaffirmation effort, a new American Indian Environmental Office (AIEO) was created within EPA's Office of Water to lead the implementation of the Indian Lands policy.

EPA also created the National Tribal Operations Committee (NTOC) to more effectively implement the Agency's Indian Policy. The NTOC is currently composed of EPA's Senior Leadership Team (Administrator, Assistant, and Regional Administrators) and nineteen tribal representatives from the nine EPA regions where federally recognized tribal governments are located. EPA Region 10 has four representatives to the NTOC—two from Alaska and two representatives from Idaho, Oregon, and Washington Tribes.

EPA Administrator Carol M. Browner convened the first NTOC meeting on February 17, 1994. At this first meeting the NTOC Tribal Caucus presented three recommendations: 1) reaffirm the 1984 Indian Policy and the EPA state/tribal concept paper on jurisdiction; 2) establish a National EPA Indian Environmental Office; and 3) increase funding for tribal environmental programs. EPA has since accomplished all three recommendations.

The NTOC also identified the need for Regional Tribal Operations Committees (RTOC) to be established in each of the nine EPA regions with federally recognized Tribes. In the spring of 1996, Region 10's Office of Tribal Operations (now the Tribal Office) solicited nominations for Region 10 RTOC membership. Region 10 RTOC members (one tribal representative per state) were then selected by ballot. The first RTOC meeting took place at Fort Hall, Idaho, on the Shoshone-Bannock Reservation. The need for a RTOC charter was identified at this meeting and drafts were developed for adoption. The charter was officially adopted by the RTOC in spring of 2000 after an extensive tribal review process.

The primary function of the RTOC is to work in partnership with EPA to further tribal environmental objectives at the regional level as well as to provide assistance to the NTOC representatives to advocate for regional concerns at the national level.

Section 1.0 Goals

1. Provide input to assist regional efforts in building tribal environmental capacity and infrastructure and support continued implementation of on-going tribal environmental programs.

2. Provide input to assist regional efforts to promote assumption of federal environmental programs by tribal governments consistent with federal law where Tribes desire to be "treated in a manner similar to a state."
3. Assist in developing regional strategies for environmental issues important to Tribes and Region 10 to advance strong environmental protection for all Tribes.
4. Provide input to regional tribal programs budget priorities and management functions to increase tribal access to EPA programs, funding, technical assistance, training, and information.
5. Promote continued education and increased communication at every level of EPA on tribal sovereignty issues, principles of Indian Law, and Tribes as co-regulators.
6. Assist and support the National TOC representatives and NTOC activities.
7. Assist EPA in developing and maintaining open dialogue among American Indian Alaska Native Tribes and EPA.
8. Meet with each Region 10 Office (via the assigned tribal coordinators/specialists) on a regular basis and with the Region 10 Executive Team as needed to keep open and regular communication between RTOC and EPA.

Section 2.0 Role of the RTOC

The RTOC will provide input into EPA's operational decision-making that affects Indian Country. However, it is important for EPA to understand that a recommendation from the RTOC does not take the place of government-to-government consultation with each Tribe.

The RTOC will identify regional tribal environmental issues and policies that need discussion and resolution in order for EPA to improve program delivery and implementation. The RTOC will work as needed with EPA work groups/committees, such as the National Indian Work Group (NIWG) and similar regional teams.

The RTOC will work on a regular basis with the full NTOC and AIEO through the Region 10 NTOC representatives to assist with national implementation of the EPA Indian Policy and to provide regional advice and input towards development of national policy directives that provide for environmental protection in Indian Country. The RTOC will coordinate and communicate with all Region 10 tribal governments in this effort.

The RTOC and Region 10 staff will identify issues to be placed on each meeting agenda and may develop issue papers as necessary. The RTOC may assist EPA in determining when broad tribal input is appropriate and needed on environmental issues.

Section 3.0 RTOC Membership

The membership of the RTOC shall be limited to elected tribal officials, authorized tribal representatives, identified EPA Region 10 staff, or their designated alternates. NTOC membership and participation shall be consistent with the NTOC charter.

Section 3.1 Tribal Caucus Membership

The Tribal Caucus will be composed of the non-EPA members of the RTOC. This will include the four Region 10 NTOC members and four Regional tribal representatives representing each state, or their designated alternates.

Section 3.1.1 Attendance

It is a critical responsibility for RTOC representatives and/or alternates to attend all scheduled meetings and participate in all conference calls on a regular basis. Three consecutive absences at scheduled meetings and/or conference calls is grounds for dismissal from the RTOC (see National NTOC Charter for national representatives attendance responsibilities and grounds for removal from a NTOC position). The Recording Secretary will notify the Committee Chairperson at the time of the second absence, who will in turn draft a letter to that RTOC representative and their respective tribal Chairperson warning them of pending dismissal. If a third consecutive absence does occur, the RTOC Chairperson will notify the representative, their respective Tribal Chairperson, and the Region 10 Chairperson of dismissal. The RTOC alternate shall serve as the RTOC representative until the RTOC position is filled.

Section 3.1.2 Length of Terms

Region 10 NTOC representative's terms shall be consistent with the NTOC charter. The remaining RTOC members shall serve staggered four-year terms that can be renewed. The initial election cycle, beginning in 2000, shall be as follows:

State RTOC Representatives	Alaska	Year 4
	Idaho	Year 3
	Oregon	Year 1
	Washington	Year 2

Section 3.1.3 Election of RTOC Members

Elections of Region 10 NTOC members shall be consistent with the NTOC charter. Elections for remaining RTOC members shall be held in the spring of each year in accordance with the schedule in Section 3.1.2.

Section 3.2 EPA Membership

The Regional Administrator (or designee) shall serve as a Co-chair to the RTOC. If the RTOC does not have an elected or hired Recording Secretary, an EPA Tribal Office person shall be designated to serve in this capacity for each conference call/meeting.

Section 4.0 Duties of Officers

The Tribal Caucus Co-Chair and the EPA Region 10 Co-Chair shall be responsible for presiding over meetings of the RTOC. The Co-Chairs shall: facilitate consensus of the RTOC on regional tribal environmental issues; convene separate "tribal-only" working sessions as appropriate to accomplish goals and objectives; serve as ex-officio members of sub-committees and workgroups; delegate issues to smaller sub-committees and workgroups; and perform other duties as needed.

The Recording Secretary shall be responsible for creating a written record of all meetings and teleconferences of RTOC as well as transmitting this information to the EPA Tribal Office for distribution.

Section 5.0 Meetings

The RTOC shall meet face-to-face on at least a quarterly basis to conduct business, with the dates to be determined by the RTOC Co-Chairs. In addition, conference calls will normally be scheduled for the third Tuesday of each month to conduct Tribal Caucus business. A quorum for conducting official business shall be greater than 50% of the tribal representatives to the RTOC in attendance.

Section 5.1 Special Meetings

Any RTOC member can make a request for a Special Meeting as needed to either Co-Chair. Only the Co-Chairs can convene an official meeting of the committee.

Section 6.0 Subcommittees and Workgroups

The RTOC may establish sub-committees and workgroups when necessary to facilitate the purpose and goals of the RTOC. EPA and/or tribal representatives and/or employees may be requested to participate in these sub-committees or workgroups to lend their expertise. A lead person will be designated for the subcommittee or workgroups to assure the assigned tasks are carried out. The lead person will report the accomplishments to the RTOC Co-Chairs in a timely manner. The RTOC Co-Chairs shall communicate all issues and concerns of any sub-committees or workgroups to the RTOC. RTOC subcommittees and workgroups will coordinate with any EPA subcommittees and workgroups undertaking similar activities.


Section 7.0 Amendments

This charter may be amended during any official RTOC meeting at which a quorum has been established. Amendments must be accepted by a majority vote of the Tribal Caucus. Any tribal official may propose an amendment to any RTOC member for consideration or to the Region 10 Tribal Office. Any proposed amendment must be submitted in writing 15 days prior to the next RTOC meeting. The proposed amendment will be distributed to the RTOC members and placed on the agenda for the earliest RTOC meeting/conference call for discussion consistent with this section.

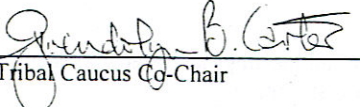
Section 8.0 Certification

We hereby certify that the foregoing Region 10 Tribal Operations Committee Charter was adopted at a duly called meeting of the Region 10 Tribal Operations Committee, held on the ___ day of _____, 200 __, where a quorum was present.

Signed:


US EPA Region 10, Co-Chair

8-23-01
Date


Tribal Caucus Co-Chair

8-23-01
Date

*United States Environmental Protection Agency
Region 10 Tribal Operations Committee (RTOC) Charter*

Amendment 1

The purpose of this amendment is to add a section to the Region 10 Tribal Operations Committee (RTOC) Charter that will provide a process for backfilling vacancies in membership.

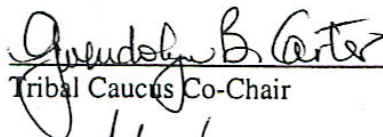
The amendment was discussed and accepted by quorum at the RTOC meeting held on August 21, 2002. The section language was drafted and sent to all RTOC members via e-mail and discussed during the RTOC conference call held on October 22, 2002.

Amendment 1 to the RTOC Charter reads as follows:

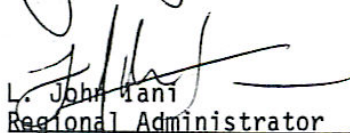
Section 3.1.4 Backfilling Vacancies in Membership

In the event that a RTOC member vacates the primary position before the end of the term, the alternate will serve out the remainder of the term as the primary. The interim primary member will designate an interim alternate to serve out the term as alternate. The designee that is appointed as the alternate shall not already be a current RTOC/NTOC member or a current alternate to a RTOC/NTOC member. Therefore, no member of the RTOC/NTOC shall, at any time, be allowed to hold two positions.

Approved by:


Tribal Caucus Co-Chair

1/21/03
Date


Regional Administrator
US EPA Region 10 Co-Chair

13 March 2003
Date

*United States Environmental Protection Agency Region 10 Tribal
Operations Committee (RTOC) Charter*

Amendment 2

Purpose

The purpose of this amendment is to establish term limits for NTOC representatives, clarify attendance requirements, and establish or clarify election cycles for all positions.

Process

This amendment was discussed at the November 14 and 15, 2005 RTOC meeting. Language reflecting the discussion was drafted following the meeting, sent to all Tribal Caucus members via e-mail on Nov 18, 2005, and accepted by quorum during the RTOC conference call held on December 5, 2005.

Effect

Amendment 2 does not alter Amendment 1, finalized on March 13, 2003, in any manner.

Amendment 2 substitutes the language below in the following charter sections:

Section 3.0 Membership

The membership of the RTOC shall be limited to elected tribal officials, authorized tribal representatives, and EPA Region 10 staff.

Section 3.1 Tribal Caucus Membership

The Tribal Caucus will be composed of the non-EPA members of the RTOC. The RTOC Tribal Caucus will be comprised of three representatives from Alaska, one representative from each of eastern and western Washington as delineated by the Cascade Mountain Range, one representative from each of Oregon and Idaho, and four Region 10 NTOC representatives. Region 10 NTOC representation will be comprised of two representatives from Alaska, one representative from western Washington or western Oregon, and one representative from eastern Washington, eastern Oregon, or Idaho.

Section 3.1.1 Attendance

It is a critical responsibility for RTOC and NTOC representatives (or their designated alternate) to attend all scheduled meetings and participate in all conference calls on a regular basis. Three consecutive absences at scheduled meetings and/or conference calls is grounds for dismissal from RTOC or NTOC.

The Recording Secretary will notify the Committee co-chairs at the time of the second absence, who will in turn draft a letter to that representative and their respective tribal Chairperson warning them of pending dismissal. If a third consecutive absence does occur, the RTOC co-chairs will notify the representative, their respective Tribal Chairperson, and the RTOC membership of their dismissal. The alternate shall serve as the RTOC or NTOC representative until the position is filled during the regularly scheduled election cycle. If the alternate is not available or accrues three consecutive absences as described in this

section, the RTOC co-chairs will appoint a new representative to serve until the position is filled during the regularly scheduled election cycle.

In order to assure that Region 10 tribes have full representation on the NTOC, the RTOC co-chairs may appoint an RTOC Tribal representative to participate in NTOC meetings and conference calls on a case-by-case basis during temporary absences of regularly elected NTOC representatives and their alternates. For the purpose of this section, appointment of RTOC representatives will include the temporary transfer of all rights and privileges of a voting NTOC member and the responsibility to fulfill all duties set out in the NTOC charter.

Section 3.1.2 Length of Terms

The RTOC Tribal Caucus members shall serve staggered four-year terms that can be renewed.

<u>State RTOC Representatives</u>	<u>Current Term Expires</u>
Alaska (positions 1 and 2)	12/2006
(position 3)	12/2008
Idaho	12/2007
Oregon	12/2008
Washington (positions 1 and 2)	12/2005

The NTOC members shall serve staggered four-year terms that can be renewed.

<u>Area Representatives</u>	<u>Current Term Expires</u>
Alaska (position 1)	12/2008
Alaska (position 2)	12/2005
Western Washington or Western Oregon	12/2005
Eastern Washington, Eastern Oregon, or Idaho	12/2008

Section 3.1.3 Election of RTOC Tribal Caucus Members

Elections for RTOC and NTOC members shall be held in the autumn of each year in accordance with the schedule in Section 3.1.2.

Approved by:

Gwendolyn B. Carter

Tribal Caucus Co-Chair
Gwen Carter, Nez Perce Tribe

[Signature]

EPA Region 10 Co-Chair

Michael Bogert, Regional Administrator

December 5, 2005

Date

December 6, 2005

Date